

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,        }  
    Plaintiff,                        }  
                                      }  
vs.                                    }  
                                      }  
KEVIN L. SCHOENHALS,            }  
    Defendant.                      }  
                                      }  
\_\_\_\_\_                            }

Case No. 04-10001-01 WEB

**ORDER OF CONDITIONAL RELEASE**

NOW on this 8<sup>th</sup> day of December, 2005, the above matter comes before the Court upon the receipt by the Court and parties of a November 10, 2005 letter from the Warden of the Federal Medical Center at Rochester, Minnesota, and the October 7, 2005 Risk Assessment report prepared by two Staff Psychologists, the Chief of Psychiatry, and Chief of Psychology at the Federal Medical Center at Rochester, Minnesota.

The letter from Warden Marty C. Anderson informs the Court that the treating clinicians believe defendant Schoenhals's mental illness is stabilized sufficiently that he would not present a significant danger to others or to the property of others, if released under specified conditions, to include psychiatric care and treatment. It informs the Court that the treating clinicians recommend that defendant Schoenhals be released pursuant to 18 U.S.C. 4243(f), and contains several

recommendations for the Court to consider ordering as conditions for his release, which are set forth below.

Cyd Gilman, Assistant Federal Public Defender for the District of Kansas, counsel for defendant Schoenhals, and Brent I. Anderson, Assistant United States Attorney, counsel for the government, inform the Court that they have read the letter from Warden Anderson and the Risk Assessment report, and inform the Court that they concur with the letter and report. Both parties inform the Court that they believe that it is appropriate for the Court to order the conditional release of defendant Schoenhals under the conditions recommended in the letter from Warden Anderson, and that it is not necessary for the Court to conduct a hearing on the matter.

After reviewing the November 10, 2005 letter from Warden Marty Anderson of the Federal Medical Center at Rochester, Minnesota, the October 7, 2005 Risk Assessment report by the treating clinicians at the Rochester facility, and receiving the positions of the parties:

THE COURT HEREBY ORDERS that defendant Schoenhals be released pursuant to 18 U.S.C. 4243(f) under the following conditions recommended by the treating clinicians:

1. Defendant Schoenhals enter outpatient mental health treatment with COMCARE of Sedgwick County, 1929 W. 21<sup>st</sup>

Street, Wichita, Kansas, and establish residence initially with his family at 343 J. Road, Piedmont, Kansas, and later in his own apartment at 999 N. Silver Springs Blvd., Apt. 406, Wichita, KS.

2. For the foreseeable future, defendant Schoenhals comply with whatever treatment regimen the treating clinicians at COMCARE of Sedgwick County recommend, whether it be on an inpatient or outpatient basis. Should it be deemed necessary by the treating clinicians, defendant Schoenhals could be admitted to an inpatient treatment facility, as recommended by COMCARE of Sedgwick County.
3. Defendant Schoenhals continue to take medication as ordered or as may be adjusted by the treating clinicians at COMCARE of Sedgwick County or the inpatient treatment facility.
4. Defendant Schoenhals be supervised by the United States Probation Office for the foreseeable future and until further order by the Court to ensure his compliance. Defendant Schoenhals will comply with the standard conditions of the United States Probation Office, District of Kansas, including waiving his right to confidentiality regarding his mental health treatment in order to allow sharing of information with the supervising probation officer.
5. Defendant Schoenhals abstain from the use of alcohol and illegal drugs and shall submit to periodic urine screening to monitor his compliance.
6. Defendant Schoenhals abstain from owning or possessing firearms or any other weapon.
7. Defendant Schoenhals abide by all federal, state, and local laws.
8. The medical provider may at any time recommend modification or elimination of the regimen of medical, psychiatric, or psychological care or treatment, upon certification to this Court that to do so would not create a substantial risk of bodily injury to another

person or serious damage to the property of another. Any party requesting modification or termination of the conditions of release shall submit adequate documentation supporting the request through the Supervisory U.S. Probation Officer, to the Civil Division of the U.S. Attorney's Office for the District of Kansas, for a determination as to whether a motion for release should be filed.

The Court further admonishes defendant Schoenhals that if he does not comply with the above-ordered conditions, his conditional release will again be revoked.

IT IS SO ORDERED.

s/ Wesley E. Brown  
HONORABLE WESLEY E. BROWN  
SENIOR U.S. DISTRICT COURT JUDGE

APPROVED:

s/Cyd Gilman  
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